

*Aviva Stahl v. Federal Bureau of Prisons, and Dept. of Justice*

Case No. 19-CV-4142 (BMC) (E.D.N.Y.)

Fenstermaker Declaration

Exhibit D



U.S. Department of Justice  
Federal Bureau of Prisons  
*North Central Regional Office*

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*Office of the Regional Counsel*

*400 State Avenue  
Tower II, Suite 800  
Kansas City, KS 66101*

September 24, 2018

Aviva Stahl  
P.O. Box 205-329  
Brooklyn, NY 11220

Re: Information Request No. 2018-02917 (Final release)  
Mohammad Salameh

Dear Requester:

This is in response to the above referenced information request. Specifically, you request a copy of the medical records and videotapes from the involuntary medical treatment from January 1, 2002 to December 31, 2015 regarding Mohammad Saleme. This is a final release of the medical records from 2002 to 2009.

The Attorney General has exempted the Bureau of Prisons from certain provisions of the Privacy Act of 1974, Title 5 U.S.C. Section 552a(j). Therefore, all material granted, excised from documents, or denied herein has been processed under the authority of an alternative means of access, which is part of said exemption. The exemption, including the alternative means of access, is set forth in Title 28 Code of Federal Regulations, Section 16.97. Accordingly, access rights are limited to those provided by the non-exempted portions of the Privacy Act of 1974 and the Freedom of Information Act, Title 5 U.S.C. Section 552 and as implemented by Title 28 Code of Federal Regulations, Part 16, Subpart A and D. The procedures established for use by the Bureau of Prisons are outlined in Program Statement 1351.05, Release of Information, and Program Statement 5800.11, Inmate Central File, Privacy Folder and Parole Commission File.

The records you have requested have been reviewed in this office and it has been determined that a portion of the records (1567 pages) may be released to you in full and a portion of the records (37 pages) may be released to you in part. The remaining records (6 pages and 6 videos) are not releasable to you.

Pursuant to the Freedom of Information Act, 5 U.S.C. 552(b)(2)-(7), portions of the records are exempt in part or in full from disclosure to you under the following exemptions:

(b)(6) - concerns material the release of which would constitute a clearly unwarranted invasion of the personal privacy of third parties

(b)(7)(C) - concerns records or information compiled for law enforcement purposes the release of which could reasonably be expected to constitute an unwarranted invasion of the personal privacy of third parties

(b)(7)(E) - concerns records or information compiled for law enforcement purposes the release of which would disclose techniques and procedures for law enforcement investigations or prosecutions

(b)(7)(F) - concerns records or information compiled for law enforcement purposes the release of which could reasonably be expected to endanger the life or personal safety of an individual

If you are not satisfied with my response to this request, you may administratively appeal by writing to the Director, Office of Information Policy (OIP), United States Department of Justice, Suite 11050, 1425 New York Avenue, NW, Washington, DC 20530-0001, or you may submit an appeal through OIP's FOIAonline portal by creating an account at: <https://foiaonline.regulations.gov/foia/action/public/home>. Your appeal must be postmarked or electronically transmitted within 90 days of the date of my response to your request. If you submit your appeal by mail, both the letter and the envelope should be clearly marked "Freedom of Information Act Appeal." Additionally, you have the right to seek dispute resolution services from BOP's FOIA Public Liaison, Mr. C. Darnell Stroble (202) 616-7750 or the Office of Government Information Services (OGIS). OGIS offers mediation services to resolve disputes between FOIA requesters and Federal agencies as a non-exclusive alternative to litigation. Using OGIS services does not affect your right to pursue litigation. The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, Room 2510, 8601 Adelphi Road, College Park, Maryland 20740-6001; e-mail at [ogis@nara.gov](mailto:ogis@nara.gov); telephone at (202) 741-5770; toll free at 1-877-684-6448; or facsimile at (202) 741-5769.

Sincerely,

*E. Fenstermaker*  
*for*

Richard M. Winter  
Regional Counsel



**U.S. Department of Justice**  
**Federal Bureau of Prisons**  
*North Central Regional Office*

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*Office of the Regional Counsel*

*400 State Avenue  
Tower II, Suite 800  
Kansas City, KS 66101*

September 9, 2019

Aviva Stahl  
P.O. Box 205-329  
Brooklyn, NY 11220

Re: Information Request No. 2018-02917 (Supplemental Response)  
Mohammad Salameh

Dear Requester:

Based on a supplemental search for involuntary medical treatment videos, it has been determined that pursuant to the Freedom of Information Act, 5 U.S.C. 552(b)(2)-(7), the responsive records (1 CD containing 7 videos for 1 incident) are withheld in full and are exempt from disclosure to you under the following exemptions:

- (b)(6) - concerns material the release of which would constitute a clearly unwarranted invasion of the personal privacy of third parties
- (b)(7)(C) - concerns records or information compiled for law enforcement purposes the release of which could reasonably be expected to constitute an unwarranted invasion of the personal privacy of third parties
- (b)(7)(E) - concerns records or information compiled for law enforcement purposes the release of which would disclose techniques and procedures for law enforcement investigations or prosecutions
- (b)(7)(F) - concerns records or information compiled for law enforcement purposes the release of which could reasonably be expected to endanger the life or personal safety of an individual

The Attorney General has exempted the Bureau of Prisons from certain provisions of the Privacy Act of 1974. Title 5 U.S.C. Section 552a(j). Therefore, all material granted, excised from documents, or denied herein has been processed under the authority of an alternative

means of access, which is part of said exemption. The exemption, including the alternative means of access, is set forth in Title 28 Code of Federal Regulations, Section 16.97. Accordingly, access rights are limited to those provided by the non-exempted portions of the Privacy Act of 1974 and the Freedom of Information Act, Title 5 U.S.C. Section 552 and as implemented by Title 28 Code of Federal Regulations, Part 16, Subpart A and D. The procedures established for use by the Bureau of Prisons are outlined in Program Statement 1351.05, Release of Information, and Program Statement 5800.11, Inmate Central File, Privacy Folder and Parole Commission File.

If you are not satisfied with my response to this request, you may administratively appeal by writing to the Director, Office of Information Policy (OIP), United States Department of Justice, Sixth Floor, 441 G Street, NW, Washington, DC 20001, or you may submit an appeal through OIP's FOIAonline portal by creating an account at: <https://foiaonline.regulations.gov/foia/action/public/home>. Your appeal must be postmarked or electronically transmitted within 90 days of the date of my response to your request. If you submit your appeal by mail, both the letter and the envelope should be clearly marked "Freedom of Information Act Appeal." Additionally, you have the right to seek dispute resolution services from BOP's FOIA Public Liaison, Mr. C. Darnell Stroble (202) 616-7750 or the Office of Government Information Services (OGIS). OGIS offers mediation services to resolve disputes between FOIA requesters and Federal agencies as a non-exclusive alternative to litigation. Using OGIS services does not affect your right to pursue litigation. The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, Room 2510, 8601 Adelphi Road, College Park, Maryland 20740-6001; e-mail at [ogis@nara.gov](mailto:ogis@nara.gov); telephone at (202) 741-5770; toll free at 1-877-684-6448; or facsimile at (202) 741-5769.

Sincerely,

*E. Fenstermaker*  
*for*

Richard M. Winter  
Regional Counsel